

as 11. A computerized card shuffling device according to claim 2 wherein the card transfer means includes no less than twelve and no more than eighteen card receiving stations.

REMARKS

Claims 3 through 11 are presently pending in this application.

Before discussing the substantive aspects of this application, the prior art and the amendments, by way of background, this application was filed, among other reasons, for the purposes of an interference proceeding. Thus, in the copending parent application Serial No. 438,408, filed November 1, 1982, now U.S. Patent 4,497,488, issued February 5, 1985, an Office Action dated December 29, 1983 (Paper No. 11), a claim was suggested for the purpose of an interference proceeding involving Greenberg patent application No. 417,384, filed September 13, 1982, now U.S. Patent 4,659,082, issued April 21, 1987. Since there was allowable subject matter in applicants' parent application not deemed to be the same invention and not deemed to interfere with the Greenberg application, amendments were made to the parent application and the parent application eventually issued as set forth above and as indicated in the amended first sentence of the Specification of this continuation-in-part application.

The suggested interference count was included as claims 1 of this continuation-in-part application when it was filed. Also included was a claim 2, not deemed to be the same invention and not involved in the interference proceeding. Nevertheless, in accordance with the practice of the Patent and Trademark Office, examination of claim 2 was suspended pending a

conclusion in the interference proceeding. Ultimately, Greenberg prevailed in the interference proceeding and a patent issued to him as set forth above. A copy of Greenberg Patent 4,659,082 (hereinafter "Greenberg") is submitted herewith to serve as a common frame of reference in the following remarks.

With respect to applicants' parent application and patent, a copy of which is also submitted herewith to serve as common frame of reference, claim 1 of the patent, the only independent claim, includes "shifting means for intermittently randomly matching non-random sequences of said plurality of stations with said card holding and feeding means," among other elements of the claim. At least partially based on the inclusion of the foregoing quoted language, claim 1 and dependent claims 2 through 37 of the parent application were allowed and were not deemed to interfere with any claims of the Greenberg application.

The Examiner's attention is now directed to the amendments of this continuation-in-part application set forth above.

Minor corrections in the drawings have been proposed in red to have the drawings correspond to the Specification. Upon receiving the Examiner's approval, new corrected drawing sheets will be provided to correspond with the proposed amended drawings.

A number of corrections have been made to the Specification to correct obvious typographical errors and, in one instance, include language apparently inadvertently omitted when this application was prepared. The language which was omitted from the application as filed is that language proposed to be added to page 15 that describes certain elements of applicants' shuffler. The inserted language is based on substantially

identical language contained in applicants' parent application. Enclosed is a copy of page 16 of applicants' parent application in which the language added to page 15 of this continuation-in-part application is underlined in red. Accordingly, it should be apparent that no new matter has been added by any amendments to the Specification.

Claim 1 of the application has been cancelled in view of the adverse judgment in the interference proceeding involving the Greenberg application.

Claim 2 has been cancelled, without prejudice. New independent claim 3 has been added, as have new claims 4 through 11 which depend directly or indirectly from claim 3, to more particularly point out and distinctly claim the subject matter which applicants regard as their invention. All of the elements set forth in each of the claims are fully supported not only by the present continuation-in-part application as filed, but also by the parent application as filed. Accordingly, no new matter has been added in any of new claims 3 through 11.

Presently pending independent claim 3 does not correspond to cancelled original claim 1 which was involved in the interference. Rather, claim 3 corresponds more generally to original claim 2 which was not involved in the interference.

Compared to original claim 2, claim 3 provides for a shifting means for intermittently matching different (card-receiving) stations (of the card transfer means) with the card feeding means in a predetermined order of sequence and actuating means for actuating the card feeding means or card transfer means to provide for shuffled cards to be received in the card feeding means from the card transfer means. Support for this amendment is included in several portions of the application. See, for

example, page 4, penultimate paragraph, and page 6, third paragraph.

Greenberg is directed to a card dispenser and shuffler in which shuffling takes place randomly and continuously by inserting a single card into a single slot or station within a revolvable transfer wheel. In Greenberg's system, only one card is placed in or removed from each station around the revolvable wheel. The input and output of each card from each station in Greenberg preferably is determined by a computerized random number generator, although Greenberg indicates that only one or the other of the input or output need be random, with the other one being a constant.

In applicants' presently claimed system, the shifting means intermittently matches different individual stations with the card feeding means in a predetermined order of sequence which is not an entirely random sequence. Various non-limiting examples of four station sequences of predetermined order are set forth in the application, although other predetermined sequences could still be used, resulting in a complete, effective shuffle. This is contrasted with Greenberg's shuffler which requires the random controlling of one of the first or second means to shuffle the cards. Nevertheless, applicants' predetermined order of sequence of matching may be determined on a random basis, but this is not the same as randomly matching each slot of the wheel with a card input device and/or a card output device. Accordingly, the operation of applicants' shuffler and Greenberg's shuffler is substantially different and based on substantially different operating principles. The rejection of the claims under 35 U.S.C. 102(g)/103 or any other basis is unwarranted.

The only place where the operation of a shuffler as set forth in the presently pending claims is suggested is in applicants' own parent application. Of course, it is improper to rely on applicants own disclosure in a copending application to reject the presently pending claims. It should be apparent that the presently pending claims do not claim the same invention as that claimed in applicants' patent 4,497,488. To the extent that the subject matter claimed in the present application may be deemed obvious in view of the subject matter claimed in applicants' own prior patent, a terminal disclaimer can be filed to overcome any obviousness-type double patenting determination.

Claims 4 through 8 are directed to embodiments of applicants' invention in which a plurality of cards are feedable into each station. Again, there is support for this feature throughout the application, as exemplified by page 6, second paragraph. By accumulating a plurality of cards in each card-receiving station, and then dispensing the cards to the card feeding means, and preferably an output shoe separate from an input shoe, different bundles of shuffled cards are fed from each station of the card transfer means to the card feeding means in an efficient manner. This explains why preferably twelve to eighteen card-receiving stations are used in the card transfer means, preferably in the shape of a revolvable wheel, as set forth in claims 8, 10 and 11, rather than one slot for each card. By using this system, less time and less wear and tear are involved in performing a complete shuffle than if only one card were removed from one station and then a different station had to be matched with the output device or card feeding means.

By using this accumulating technique, rather than continuously shuffling the cards as required by Greenberg's

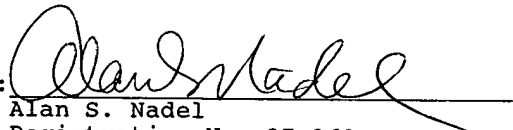
system, one group of eight decks of cards, for example, can be shuffled, while another group of eight decks of cards, again, for example, can be used in playing black-jack or other card games. The shuffling occurs at such a rate to have the shuffled cards available almost at any given time shortly after the card game has commenced, without requiring a dealer to stop and reshuffle the current group or decks of cards being played.

In view of the foregoing amendments and remarks, applicants respectfully submit that Greenberg neither discloses nor claims a card shuffling device defined by the currently pending claims of this application. Nor does Greenberg render applicants' invention obvious or otherwise unpatentable. Accordingly, reconsideration and withdrawal of the rejection and an early Notice Of Allowance are respectfully solicited.

Respectfully submitted,

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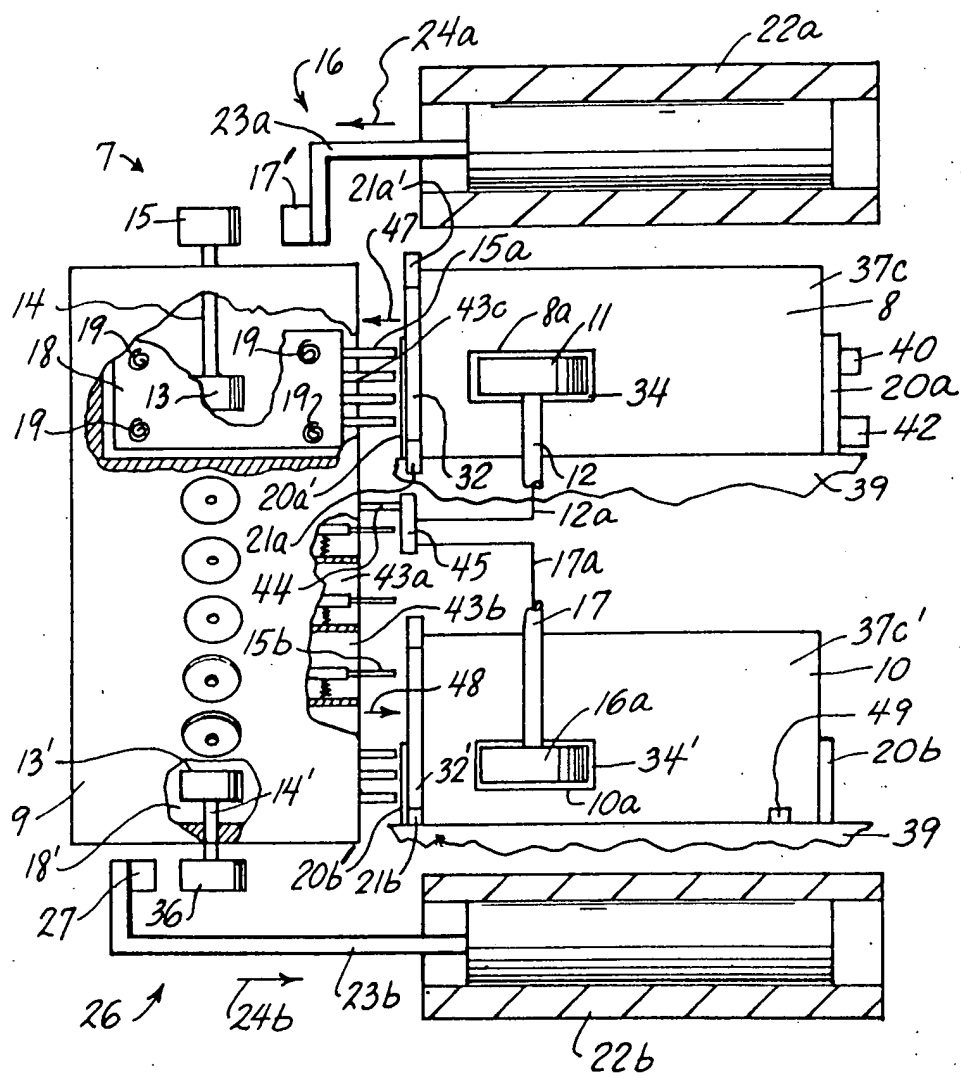


FIG. 1

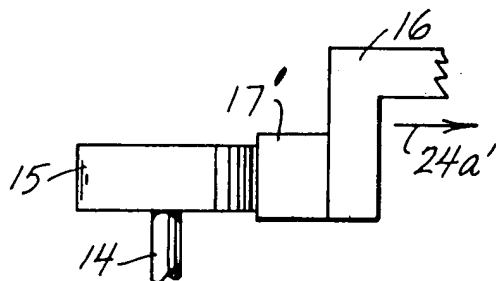


FIG. 2A

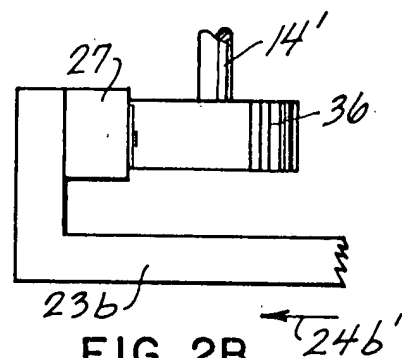


FIG. 2B

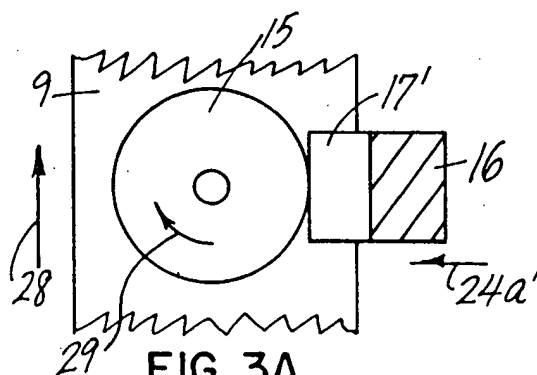
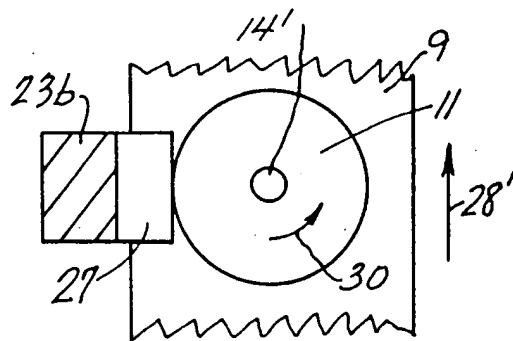


FIG. 3A



**FIG. 3B**

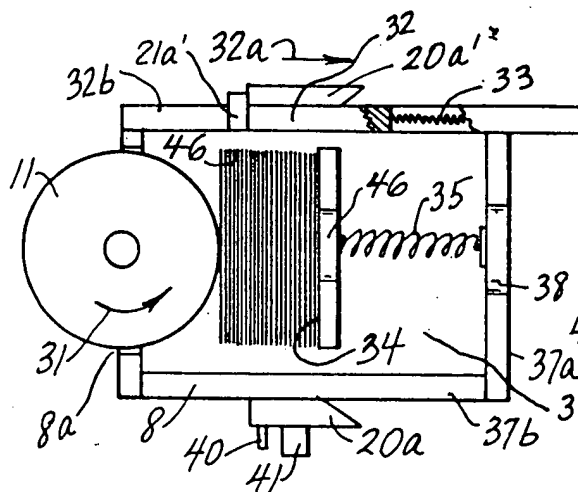


FIG. 4

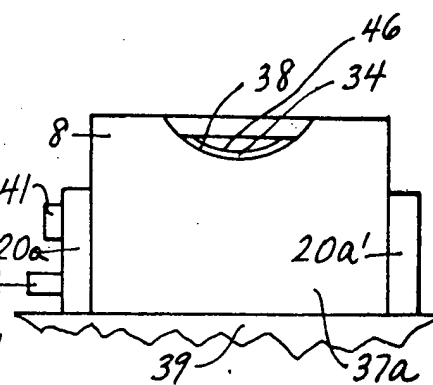


FIG. 5



grasping surface of wheel 16a and the pressure plate 34' biased appropriate springs as already illustrated for the identical shoe 8, in Figure 4. As for the insertion position for shoe 8, likewise the insertion position for shoe 10 also has an abutment barrier 21b causing the slidable wall 32' to move in a direction opening an open space through which the output card(s) is/are fed into the output shoe 10, the opening corresponding to the shoe 8 opening 32b viewable in Figure 4. The shoes' wheel-windows are 8a and 10a.

Typical walls 37a, 37b, and 37c of shoe 8 are either transparent or translucent, and likewise for the identical shoe 10 such as viewable wall (illustrated side/end wall) 37c' of shoe 10.

Each shoe has a depressed area such as 38 for the Figure 5 illustrated shoe 8, making dealing of cards from the shoe easy for the dealer, when the shoe 8 is removed from its inserted state. Likewise there is depression 38' in the top of the pressure plate 34, for the same reason.

As is viewable in Figure 3A, continuous and continued movement of wheel 9 in direction (revolving direction) 28 causes the wheel 15 to revolve in direction 29 when engaged with stationary abutment 17'. Likewise, as the revolvable wheel structure 9 revolves in direction 28, the oppositely-located abutment 27 (on an opposite side of drivable wheels of the respective positions) when engaged with the wheel 36 causes wheel 36 to revolve in direction 30 whereby the grasping surface of wheel 13' ejects a (any) card pressed against the wheel 13' by the corresponding pressure plate 18' (spring-biased), as shown in Figure 3B. Also see Figures 2A and 3A.

Figure 6 is a diagrammatic flow chart typically representative of main functions of the computer and of hardware and software and operation thereof by a combination of programmed sequential instructions, intermingled with some manually-initiated instructions, and the like, and is not intended to illustrate all computer software and hardware and operator initiated instructions of a conventional nature not relating to the essence of this invention. The flow chart is believed to be substantially self explanatory.